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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,425	07/13/2000	Walter John Martiny JR.	03DV-7049	4863

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07/31/2002

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EXAMINER

ADDISON, KAREN B

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,425

Applicant(s)

MARTINY, WALTER JOHN

Examiner

Karen B Addison

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Barahia (5,914,547) in view of Newberg (4,710,037).

Barahia discloses in fig.1 an electric motor having a bearing current reduction assembly comprising: a rotor shaft (4), an inner bearing cap (8) substantially radially aligned with the rotor shaft (where in the inner bearing cap comprise a inner end(A) and the inner end is with in approximately 0.005 inch from the rotor) and a charge concentrator (3) disposed on at least one of the rotor shaft and the inner end. Wherein the charge concentrator is position between the rotor and inner end. Barahia doses not disclose an end-shield with an inner end made aluminum.

Newberg teaches in fig.3 a bearing retainer structure comprising an endshield (2) with an inner end (12) made of aluminum material for the purpose conductivity. Therefor it would have been obvious at the time the invention was made to provide Barahia bearing current reduction assembly with the teaching of Newberg Bearing retainer structure to eliminate or reduce the build up of electric potentials on the shaft or in the bearings of a motor.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barahia in view of Newberg as applied to claims 1-6 and 8-12 above, and further in view of Fisher (6133658).

As seen above Barahia disclose a bearing current reduction assembly and Newberg teaches a bearing retainer structure. However, neither Barahia nor Fisher shows the stator mounted in housing having a bore there through; a rotor core mounted in the housing and extending through the stator bore and a rotor shaft extending through the rotor core and at least one end-shield.

Fisher teaches an electric motor structure in fig.2 comprising: a stator mounted (52) mounted in a housing(26) comprising a bore there through; a rotor core (50) rotatably mounted in the housing and extended through the stator bore and a rotor shaft(14) extending through the rotor core, an end-shield (22) and a sealed bearing unit. For the purpose of reducing the effect of corrosion in the motor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Barahia bearing current reduction assembly with the teaching of Newberg bearing retainer and modify it with Fisher housing and stator structure for the purpose of extending the life of the motor and protecting the bearing unit.

Response to Arguments

In response to applicant's argument that neither Barahia nor Newberg considered alone or in combination describe or suggests a charge concentrator disposed on at least one of the rotor shaft and the inner end is noted. However, Barahia auxiliary

bearing assembly of fig.1 does show a charge concentrator (3), Whereby an electrical charge is dissipated through the smallest air gap.

In response to applicant's argument that Newberg neither describes nor suggests a charge concentrator is noted. However, Newberg is use to teach that it is well known in the art a bearing retainer structure comprising an endshield (2) with an inner end can be made of aluminum material (col. 2 line 35 to 35 to 36).

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992

6. In response to applicant's arguments one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claim invention is noted. However, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KBA
July 25, 2002


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
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